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Thomas Dent

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EXAMINER

SEREBOFF, NEAL

ART UNIT

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3626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/713,892	Applicant(s) DENT ET AL.	
	Examiner NEAL R. SEREBOFF	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29,31 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29,31 and 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/16/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. In the amendment dated 10/16/2009, the following has occurred: Claims 30, 32 and 42 – 48 have been canceled; Claim 29 has been amended.
2. Claims 1 – 28 and 49 – 70 were previously withdrawn.
3. Claims 1 – 29, 31, 33 – 41 and 49 – 70 are pending. Claims 29, 31 and 33 – 41 are being considered.

Notice to Applicant

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Regarding the database server and the other servers, the Examiner notes the following passages from the Specification: (*emphasis added*)

Page 11, lines 3 – 6

Fig. 1 is a block diagram of a system 100 for data extraction and conversion. The system 100 includes a client server 102 and a database server 104. The system 100 may include additional entities not shown in Fig. 1. ***Additionally or alternatively, the servers 102, 104 may be co-located and/or integrated.***

Page 13, lines 5 – 13

The transmit/receive device 116 may allow data to be transmitted and received over a network. For example, the transmit/receive device 116 may be an Ethernet network interface card (NIC). The transmit/receive device 116 may allow the client data 120 to be transmitted and received over network 122. The client firewall 118 may prevent unauthorized entities attached to the network 122 from obtaining the client data 120. The network 122 may provide a communication pathway between the client server 102 and the database server 104. The network 122 may be a LAN, WAN, intranet, or Internet. ***In another embodiment, the client server 102 and the database server 104 may be co-located and/or integrated and the network 122 may be unnecessary to transfer client data between the client server 102 and the database server 104.***

Page 22, lines 7 – 11

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Fig. 4 is a block diagram of a system 400 for client access to analytical data, according to an exemplary embodiment. The system 400 includes a client device 402, a web server 404, and a database server 406. The system 400 may include additional entities not shown in Fig. 4.

Additionally or alternatively, the servers 404, 406 may be co-located and/or integrated.

Page 24, lines 16 – 20

The network 430 may provide a communication pathway between the web server 404 and the database server 406. In a preferred embodiment, the network 430 is a LAN; however, the network 430 may be a WAN, intranet, or Internet. ***In another embodiment, the web server 404 and the database server 406 may be co-located and/or integrated and the network 430 may be unnecessary.***

Claim Objections

6. Claims 38 – 41 are objected to because of the following informalities: The Applicant did not include claim status identifiers. The Examiner understands claims 38 – 41 to be “original.”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 29, 31 and 33 – 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 includes the limitation:

(ii) quantify client data, wherein the client data is quantified by analytic definitions,

- wherein the analytic definitions are an identification of performance measures selected from the group consisting of

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- tracking patients for lack of completion of ordered laboratory tests and referrals,
- account receivables levels,
- collections,
- coding,
- front-end billing processes,
- and payer values

The analytic definitions above do not include quantification performance measures or steps of analysis, determination or identification found within the other analytic definitions. For example, the specification, page 17, lines 8 and 9 states, “Track patients for lack of completion of ordered laboratory tests and referrals, determine composition of this population for interventional strategies.” The limitation, “tracking patients for lack of completion of ordered laboratory tests and referrals” omits the quantification determination found within the specification.

Claim Rejections - 35 USC § 103

9. ***Claims 29, 31, 33, 40 and 41 are*** rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al., U.S. Pre-Grant Publication 2003/ 0061132 in view of Bansal et al., U.S. Pre-Grant Publication 2003/ 0120593 and Gauthier et al., U.S. Pre-Grant Publication 2002/ 0036662.

10. As per claim 29,

Yu teaches a system for client access to analytical data for use in evaluating clinical business operations, comprising in combination:

- a database server (figure 2 and figure 21, #610); and

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- a server (figure 2 and figure 21, #280 or #290 or #612),
 - wherein the database server includes a system management database (paragraph 135, #280A - 280E, including figure 8C or OLAP cells NEDW as further described in paragraph 93),
 - wherein the client authorization data includes a database record associated with each authorized user that indicates which menus, views, and databases are available to the authorized user (paragraphs 138 and 198 – 203 where the user selects the desired information); and
 - wherein the database server is operable to
 - (i) create a temporary database for storing the client data (paragraph 93, where the data warehouse stores data and the word “temporary” describes an intended use of the database),
 - (iii) create a clean database that includes the quantified data, wherein the quantified data is queried to group data according to the analytic definitions (paragraphs 144 – 147 where the "clean" name represents nonfunctional descriptive information and the specification only describes a “clean database” as one where the records are sorted by relevancy (page 17, lines 19 - 23) and it is prima facie obvious to sort a database),
 - (iv) create one or more datamarts by separating data in the clean database according to the analytic definitions (Abstract or paragraph 144, separating out

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the taxes, shipping and handling; also paragraph 144 category set where the 'data mart' is a set of data)

(v) create one or more cubes (paragraph 142) by processing the datamarts using an on-line analytical processing engine (paragraph 135),

- wherein the one or more cubes provide an analytical tool for evaluating clinical business operations (Abstract), and
- wherein the server includes an application operable to
 - (i) receive a authentication request from a client device (figure 23, login),
 - (ii) responsively query the database server to determine whether a user of the client device is authorized (paragraph 198, validate login),

Yu does not explicitly teach

- wherein the database server includes a system management database
 - wherein the system management database includes client authorization data,
 - wherein the database record includes a query code that specifies an initial view to be displayed to the authorized user,
- wherein the database server is operable to
 - (ii) quantify client data, wherein the client data is quantified by analytic definitions,

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- wherein the analytic definitions are an identification of performance measures selected from the group consisting of
 - identifying patients needing a return visit,
 - identifying patients with risk factors,
 - identifying patients with similar diagnosis,
 - identifying patients with multiple diagnosis,
 - analyzing referrals,
 - determining clinical experience from the different payer sources,
 - determining adherence to qualify measures,
 - determining geographic distribution of patients,
 - tracking patients for lack of completion of ordered laboratory tests and referrals,
 - account receivables levels,
 - collections (paragraph 142, debit cards, electronic bill-pay or paragraph 179, IRS tax collections),
 - coding,
 - front-end billing processes,
 - and payer values
- wherein the server includes an application operable to

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(iii) when the user is authorized, query the database server for the initial view associated with the user and transmit the initial view to the client device,

(iv) receive a request from the client device for a view,

select the requested view,

verify that the user of the client device is authorized to access the view by querying the database server, and if the user is authorized transmit the view to the client device,

wherein the view includes the analytical data from the one or more cubes for use in evaluating clinical business operations.

However, Bansal further teaches

- wherein the database server includes a system management database
 - wherein the system management database includes client authorization data (paragraph 351)
- wherein the database server is operable to
 - (ii) quantify client data, wherein the client data is quantified by analytic definitions,
 - wherein the analytic definitions are an identification of performance measures selected from the group consisting of
 - identifying patients needing a return visit,

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- identifying patients with risk factors (paragraph 611),
 - identifying patients with similar diagnosis,
 - identifying patients with multiple diagnosis,
 - analyzing referrals,
 - determining clinical experience from the different payer sources,
 - determining adherence to qualify measures,
 - determining geographic distribution of patients,
 - tracking patients for lack of completion of ordered laboratory tests and referrals,
 - account receivables levels,
 - collections,
 - coding,
 - front-end billing processes,
 - and payer values
- wherein the server includes an application operable to
 - (iv) receive a request from the client device for a view,
 - select the requested view,
 - verify that the user of the client device is authorized to access the view by querying the database server (figure 3, web server), and if the user is authorized transmit the view to the client device,

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wherein the view includes the analytical data from the one or more cubes for use in evaluating clinical business operations (paragraphs 61 – 64, 473 – 484 and 581 and the Examiner understands this claim limitation based upon the Specification, Page 24, lines 1 – 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

However Gauthier further teaches the system

- wherein the database server includes a system management database
 - wherein the system management database includes client authorization data,
 - wherein the database record includes a query code that specifies an initial view to be displayed to the authorized user (paragraph 62 where the home page field is the initial view code),

(iii) when the user is authorized, query the database server for the initial view associated with the user and transmit the initial view to the client device (paragraph 62, home Web page),

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

Regarding the database server and the server, it would have been prima facie obvious to integrate or separate the servers. The Examiner makes this assertion in view of the Applicant's specification and MPEP 2144.04. Therefore, any functionality specifically assigned to one server would have been obviously assigned to the combination of servers.

11. As per claim 31, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu further teaches the system wherein server further includes an encryption/ decryption utility for securely communicating with the client device (paragraphs 136, 139, 140, 185, 195 and 198 where the secure system connects the browser with the server).

12. As per claim 33, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu further teaches the system wherein the client data includes practice data, patient data, diagnosis data, insurance data, and transactional data (paragraphs 94 – 130 and 146 where the type of data is non-functional descriptive information).

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13. As per claim 40, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu further teaches the system wherein the one or more cubes are multidimensional databases (Abstract).

14. As per claim 41, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu further teaches the system wherein the one or more cubes are selected from the group consisting of financial cube, payer cube, patient cube, physician cube, clinical cube, and electronic medical records cube (paragraphs 93 and 94 where the cube labels represent non-functional descriptive information).

15. ***Claims 34 – 39 are*** rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al., U.S. Pre-Grant Publication 2003/ 0061132 in view of Bansal et al., U.S. Pre-Grant Publication 2003/ 0120593 and Gauthier et al., U.S. Pre-Grant Publication 2002/ 0036662, as applied to claims 29 above, further in view of Strutt et al., U.S. Pre-Grant Publication 2002/ 0133368.

16. As per claim 34, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu in view of Bansal and Gauthier do not explicitly teach the system wherein the account receivable levels analytic definition includes assessing outstanding accounts receivable, assessing days in outstanding accounts receivable, and determining an accounts receivable trend.

However, Strutt further teaches the system wherein the account receivable levels analytic definition includes assessing outstanding accounts receivable, assessing days in outstanding accounts receivable, and determining an accounts receivable trend (paragraphs 275 – 288, 293

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and 302 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal and Gauthier. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

17. As per claim 35, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu in view of Bansal and Gauthier do not explicitly teach the system wherein the collections analytic definition includes determining collection rates, denial rates, discounts, adjustments, and payment lag.

However, Strutt further teaches the system wherein the collections analytic definition includes determining collection rates, denial rates, discounts, adjustments, and payment lag (paragraphs 243 – 287 where a loss is a discount or adjustment, paragraphs 1397 – 1420 and paragraph 908 – 911 where a declined requisition is a denial and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal and Gauthier. One of ordinary skill in the art at the time of the invention would have added this feature

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- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

18. As per claim 36, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu in view of Bansal and Gauthier do not explicitly teach the system wherein the coding analytic definition includes determining whether evaluation and management coding is within expected levels, and determining a revenue opportunity for current procedural terminology codes.

However, Strutt further teaches the system wherein the coding analytic definition includes determining whether evaluation and management coding is within expected levels (paragraphs 388 – 400 expenses), and determining a revenue opportunity for current procedural terminology codes (paragraph 146 – 151 sales analysis where the procedure codes is product information and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal and Gauthier. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

19. As per claim 37, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

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Yu in view of Bansal and Gauthier do not explicitly teach the system wherein the front-end billing processes analytic definition includes quantifying charge lag, determining quality of payer data, identifying eligibility-related denials, identifying covered benefits-related denials, determining issues related to charge capture, and determining fee schedule quantities.

However, Strutt further teaches the system wherein the front-end billing processes analytic definition includes quantifying charge lag, determining quality of payer data, identifying eligibility-related denials, identifying covered benefits-related denials, determining issues related to charge capture, and determining fee schedule quantities (paragraphs 290 – 300 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal and Gauthier. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

20. As per claim 38, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu in view of Bansal and Gauthier do not explicitly teach the system wherein the payer values analytic definition includes determining payer mix impact, observing varying collection rates, denial rates, contractual allowances by payer and financial class, and comparing payer reimbursement levels.

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However, Strutt further teaches the system wherein the payer values analytic definition includes determining payer mix impact, observing varying collection rates, denial rates, contractual allowances by payer and financial class, and comparing payer reimbursement levels (paragraphs 196 – 215 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal and Gauthier. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

21. As per claim 39, Yu in view of Bansal and Gauthier teaches the system of claim 29 as described above.

Yu in view of Bansal and Gauthier do not explicitly teach the system wherein the analytic definitions further include determining reimbursement rates per place of service, compared with mix of place of services, determining visit volumes and reimbursements by physicians and locations, quantifying new visit volumes as a percentage of total visits, determining service mix and revenues by top current procedural terminology codes, quantifying patient collections, observing denial reasons lists, observing payer lists, determining place of service listings, and assessing patient billing processes.

However, Strutt further teaches the system wherein the analytic definitions further include determining reimbursement rates per place of service, compared with mix of place of services,

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determining visit volumes and reimbursements by physicians and locations, quantifying new visit volumes as a percentage of total visits, determining service mix and revenues by top current procedural terminology codes, quantifying patient collections, observing denial reasons lists, observing payer lists, determining place of service listings, and assessing patient billing processes (paragraphs 186 – 215 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal and Gauthier. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

Response to Arguments

22. Applicant's arguments, see Response to Claim Objections, filed 10/16/2009, with respect to claim 29 have been fully considered and are persuasive. The Objection of claim 29 has been withdrawn.

23. Applicant's arguments, see Response to 112 Rejections, filed 10/16/2009, with respect to claims 29, 31 and 34 have been fully considered and are persuasive. The 35 U.S.C. 112, 2nd paragraph rejections of claims 29, 31 and 34 has been withdrawn.

24. Applicant's arguments filed 10/16/2009 have been fully considered but they are not persuasive.

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The Applicant states, “As an initial matter, Applicants note that displaying a specific home page is not a ‘view’ as recited by the Applicants claims.” And further, “Moreover, Applicants submit nowhere does Gauthier indicate that there is a database record associated with authorized users. Applicants further submit that a link to a home page does not constitute a ‘query code that specifies an initial view to be displayed to the authorized user as recited in Applicants’ claims. See, e.g., Specification, at 26 – 27. Finally, Applicants submit that Guathier does not teach a server querying database server for the initial view associated with the user, as recited in Applicants claims.”

The claim 29 sections as above and argued are:

wherein the database record includes a query code that specifies an initial view to be displayed to the authorized user,

(iii) when the user is authorized, query the database server for the initial view associated with the user and transmit the initial view to the client device,

The Examiner notes that the specification states: (*emphasis added*)

Page 24, line 21 through page 25, line 6

The database server 406 may be substantially the same as the database server 104 depicted in Fig. 1. In addition to the entities depicted in Fig. 1, the database server 406 includes a system management database 432. The system management database 432 may include client authorization data. The client authorization data may include a database record associated with each authorized user that indicates which menus (lists and categories of views attributed to the specific user), views (OLAP queries, specifically MDX queries, already written and attributed to the user), databases, and overall content is available to the user with those credentials. ***Additionally, the database record may include a query code associated with each client that specifies an initial web page to be displayed to the client upon successful credential verification.***

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The Examiner cannot find any other section within the Specification that cites a query code associated with an initial anything. In this paragraph, the Examiner understands that “an initial web page to be displayed” is similar to Gauthier’s initial web page.

If the Applicant is arguing that the storage of this initial view must be found within a particular database or record, the Examiner notes above that the particular database that a particular field is stored is a prima facie obvious separation or integration of databases.

Further, regarding how the initial view is projected, the specification, page 26, line 15 - page 27, line 2 states: (*emphasis added*)

At block 510, the web server 404 opens the appropriate view for the user. ***The web server 404 may select from the system management database 432 the query code that queries the proper cube 140 to generate the opening view as seen by the user.*** The web server 404 queries the cube 140 on the database server 406 with the query code. The database server 406 (or the offsite datacenter) may transmit the query results to the web server 404. The web server 404 may send to the user's browser 408 a dynamically built web page containing the dropdown menus and initial/opening view specifically assigned to that user as well as a list of fields illustrating the contents of the cube being used by that view. This transmission may be encrypted by the web server 404 and decrypted by the user's browser 408 on the client device 402.

The emphasized section uses conditional language such as “may” to show that this is one example of how the web server selects the initial view. The claim does not discuss the querying of a cube to generate an opening view as stated within the specification and desired by the Applicant.

However, a database cube is old and well known, a query is old and well known and an initial view is old and well known; the combination would be obvious as it would produce the expected result. Therefore, the Examiner is not suggesting that the Applicant should amend the claims to include the disclosed but not claimed feature.

Conclusion

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25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEAL R. SEREBOFF whose telephone number is (571)270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. R. S./

Examiner, Art Unit 3626

1/11/2009

/Robert Morgan/

Primary Examiner, Art Unit 3626